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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,598	02/27/2004	James M. Pippin	18525-0766	6806
39943	7590	02/16/2006		EXAMINER
PHILIP G. MEYERS LAW OFFICE 1009 LONG PRAIRIE ROAD, SUITE 300 FLOWER MOUND, TX 75022			NOVOSAD, JENNIFER ELEANORE	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/788,598	PIPPIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jennifer E. Novosad	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 21-23,25-29,35 and 36 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 21-23,25-29,35 and 36 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 27 February 2004 and 27 October 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

This Office action is in response to the Request for Continued Examination and the amendment filed December 12, 2005 by which claims 21, 23, and 26 were amended and claims 35 and 36 were added.

### *Request for a Continued Examination*

The request filed on December 12, 2005 for a Continued Examination (CPA) under 37 CFR 1.114 based on parent Application No. 10/788,598 is acceptable and an RCE has been established. An action on the RCE follows.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the term "multibag" in claim 28 renders the claim indefinite since it is unclear what is meant by this term and thus the metes and bounds of the claim cannot be properly ascertained.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-23, 25-29, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,720,048 (Maroney et al. '048) in view U.S. Patent No. 5,000,325 (D'Elia '325).

Maroney et al. '048 disclose a system comprising a series of holding devices, which are considered to define bags, with each comprising a pair of flexible (see column 5, line 66) side walls (at 50 on front and back of Figure 2) with a bottom and an open top (between 48 in Figure 2) whereby the devices being disposed side by side (see Figure 1) such that open tops face a common direction and form a row; a container, defining a tub (including elements 34 and 36 - see Figure 3) and having an open top that holds the series of devices and a frame (at 52 - see Figures 3 and 13) in the container which holds the devices such that the devices hang in an upwardly opening position (see Figure 1) with the open tops facing upwardly; and *with respect to claim 26*, the frame (at 52) includes a pair of rails and a plurality of dividers (48) are supported by the rails (52) with the devices (as in Figure 2) positioned between adjacent pairs of dividers (48).

It is noted that although Maroney et al. '048 disclose a "cart for transporting circuit components", there are no recitations in the instant claims that would inhibit Maroney et al. '048

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from functioning as a "mail delivery system", as specifically called for in the claims of the instant invention.

The claims differ from Maroney et al. '048 in requiring: (a) the devices to have a pair of side walls united by a bottom wall (claim 21), (b) and mail pieces placed in each device (claim 21), and (c) the mail pieces to be disposed in the devices in an order according to a sortation scheme (claim 35).

*With respect to (a)*, D'Elia '325 teach a system comprising device (see Figure 5) which comprise side walls (at 21 and 22) united by a bottom wall at 23, 24, 26).

*Thus*, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have fabricated the devices of Maroney et al. '048 with sidewalls united by a bottom wall, as taught by D'Elia '325, for increased support and stability of articles placed therein.

*With respect to (b) and (c)*, D'Elia '325 teach the method of placing mails pieces into sorting devices such that the pieces are sorted by a scheme according to different recipients . It then would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the system of Maroney et al. '048 for holding and sorting of mail pieces, as taught by D'Elia '325, thereby increasing the storage use and capability of the system.

### ***Conclusion***

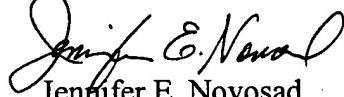
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note U.S. Patent No. 6,464,092.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer E. Novosad  
Primary Examiner  
Art Unit 3634

February 13, 2006